



Senate

General Assembly

File No. 546

January Session, 2005

Substitute Senate Bill No. 1192

Senate, April 27, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC AGENCY TERMINATION, SEPARATION AND SUSPENSION AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-214 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3

4 (a) (1) Any contract of employment or for personal services to which
5 the state or a political subdivision of the state is a party shall be
6 deemed to be a public record for the purposes of section 1-210.

7 (2) No public agency shall enter into a termination, separation or
8 suspension of employment agreement or termination or suspension of
9 a personal service agreement that contains a provision for the
10 confidentiality of such agreement or the cause or causes for the
11 termination, separation or suspension including, but not limited to,
12 alleged or substantiated sexual abuse, sexual harassment, sexual
13 exploitation or sexual assault. Any such confidentiality provision
14 entered into before, on or after the effective date of this section shall be

15 null and void.

16 (b) Whenever a public agency receives a request to inspect or copy
17 records contained in any of its employees' personnel or medical files
18 and similar files and the agency reasonably believes that the disclosure
19 of such records would legally constitute an invasion of privacy, the
20 agency shall immediately notify in writing (1) each employee
21 concerned, provided such notice shall not be required to be in writing
22 where impractical due to the large number of employees concerned,
23 and (2) the collective bargaining representative, if any, of each
24 employee concerned. Nothing herein shall require an agency to
25 withhold from disclosure the contents of personnel or medical files
26 and similar files when it does not reasonably believe that such
27 disclosure would legally constitute an invasion of personal privacy.

28 (c) A public agency which has provided notice under subsection (b)
29 of this section shall disclose the records requested unless it receives a
30 written objection from the employee concerned or the employee's
31 collective bargaining representative, if any, within seven business days
32 from the receipt by the employee or such collective bargaining
33 representative of the notice or, if there is no evidence of receipt of
34 written notice, not later than nine business days from the date the
35 notice is actually mailed, sent, posted or otherwise given. Each
36 objection filed under this subsection shall be on a form prescribed by
37 the public agency, which shall consist of a statement to be signed by
38 the employee or the employee's collective bargaining representative,
39 under the penalties of false statement, that to the best of his
40 knowledge, information and belief there is good ground to support it
41 and that the objection is not interposed for delay. Upon the filing of an
42 objection as provided in this subsection, the agency shall not disclose
43 the requested records unless ordered to do so by the Freedom of
44 Information Commission pursuant to section 1-206. Failure to comply
45 with a request to inspect or copy records under this section shall
46 constitute a denial for the purposes of section 1-206. Notwithstanding
47 any provision of this subsection or subsection (b) of section 1-206 to the
48 contrary, if an employee's collective bargaining representative files a

49 written objection under this subsection, the employee may
50 subsequently approve the disclosure of the records requested by
51 submitting a written notice to the public agency.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	1-214
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JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Various State Agencies	Various Funds - See Below	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill provides that no agreement entered into by a public agency to terminate, separate or suspend a personal services contract may contain a provision making the agreement itself, or the reason(s) for it, confidential. The bill also declares null and void any such agreement entered into prior to the bill's passage. It is anticipated that the bill's retroactive provision would have no fiscal impact as public agencies would already have paid any amounts due under any settlement agreements. The extent to which future agreements would be altered as a result of the bill is unknown, and, consequently, the potential fiscal impact associated with payment amounts is indeterminate.

OLR Bill Analysis

sSB 1192

**AN ACT CONCERNING PUBLIC AGENCY TERMINATION,
SEPARATION AND SUSPENSION AGREEMENTS****SUMMARY:**

This bill requires state and municipal agencies to publicly disclose their personal services contracts. These agencies are already required to publicly disclose their employment contracts.

The bill prohibits any public agency from entering an employment or personal services termination, separation, or suspension agreement that requires the agreement or grounds for the action contained in it to be treated confidentially. The bill specifies that the prohibition applies to termination, separation, or suspension based on allegations or substantiated proof of sexual harassment, abuse, exploitation, or assault.

The bill declares null and void prohibited confidentiality agreements entered before, on, or after the bill's passage.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0